

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF PENNSYLVANIA

ANDREW KING,

Plaintiff,

v.

ALLEGHENY COUNTY SHERIFF'S OFFICE,
NEW MARTINSVILLE POLICE
DEPARTMENT, OFFICER JASON K UTT,
OFFICER FRIEND ESTEP, NORTHERN
REGIONAL CORRECTIONAL FACILITY,
ARRESTING OFFICER VINCENT DiCENZO
III, NORTH VERSAILLES POLICE
DEPARTMENT

* CIVIL ACTION-LAW

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* Case No.: 2:19-cv-00992-DSC

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* ELECTRONICALLY FILED

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* MOTION FOR EXTENSION OF TIME TO
* FILE BRIEF IN RESPONSE TO MOTION
* TO DISMISS OF NORTHERN REGIONAL
* CORRECTIONAL FACILITY

*

* Honorable **David S. Cercone**

Defendants.

**MOTION FOR EXTENSION OF TIME TO RESPOND TO MOTION TO
DISMISS OF NORTHERN REGIONAL CORRECTIONAL FACILITY**

Plaintiff, by and through his undersigned counsel respectfully alleges as follows:

1. On November 22, 2019 Defendant Northern Regional Correctional Facility (NRCF) filed a Motion to Dismiss and Brief in Support thereof.

2. NRCF's Brief raises various issues including general jurisdiction as well as specific jurisdiction.

3. This Honorable Court has ordered Plaintiff to file a Response Brief to NRCF on or before December 20th, 2019.

4. Defendant North Versailles Police Department has opted to file an Answer.

5. As of the date of the filing of this Motion, Defendant New Martinsville Police Department, which is also located in West Virginia, has not waived service despite being in possession of the Complaint and waiver materials.

6. Plaintiff has confirmed with the New Martinsville Police Department that they have received the service materials and that those materials are now in possession of the New Martinsville solicitor, but the solicitor has not waived service to date.

7. If New Martinsville chooses not to waive service despite receipt of the materials, Plaintiff will serve the Complaint through a process server.

8. Plaintiff seeks to extend their time to respond to the Motion to Dismiss of NRCF until such time as New Martinsville has responded to the Complaint as there may be common questions of jurisdiction.

9. Allowing the Court to handle all jurisdictional issues at one time will serve in the interests of judicial expediency.

10. Plaintiff's counsel further seeks an extension as he has a second briefing obligation before the Western District that is due on December 18th.

WHEREFORE, Plaintiff respectfully requests additional time to respond to the Motion to Dismiss of NRCF until such time as New Martinsville has responded to the Complaint. In the alternative, Plaintiff respectfully requests an additional 30 days to respond to the Motion to Dismiss of NRCF.

12/16/19

Respectfully submitted,

s/Louis J. Kroeck
Attorney for Plaintiff

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CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of the within MOTION was served to all counsel through the ecf Electronic Case Filing System on this 16th day of December 2019.

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Respectfully submitted,

s/Louis J. Kroeck